

CITY OF CARLISLE  
REGULAR CITY COUNCIL MEETING  
Monday, December 13, 2004  
7:00 P.M.  
Carlisle City Hall Council Chamber

Officials present were: Mayor Ruth Randleman, Councilmembers Drew Merrifield, Allen Wiese, Pat Stump, Blair Dewey and Frank Shultz, City Administrator/Clerk Neil Ruddy, Deputy Clerk Pat Brehse and City Attorney Robert Stuyvesant.

The meeting was called to order at 7:00 P.M.

Motion by Stump to APPROVE THE FOLLOWING CONSENT ITEMS: November 22, 2004 Regular City Council meeting minutes and November 9, 2004 Metropolitan Advisory Council meeting minutes. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye,. Motion carried unanimously.

Councilmember Merrifield had the BILLS PAYABLE FOR REVIEW in the amount of \$228,677.59 for bills already paid and \$75,208.25 for current bills for a total of \$303,885.84. Motion by Merrifield to APPROVE PAYMENT OF BILLS IN THE TOTAL AMOUNT OF \$303,885.84. Seconded by Wiese. Councilmember Shultz asked about the bill from Knox Company for knox boxes in the amount of \$2,203.00 and was told that a portion of the amount will be reimbursed by General Mills. Roll call vote: Merrifield – Aye, Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried unanimously.

Motion by Stump to APPROVE PARTIAL PAY REQUEST NO. 5, TO RICCHIO, INC. IN THE AMOUNT OF \$101,992.00 for aquatic center construction and SALES TAX REIMBURSEMENT DRAW NO. 3 TO RICCHIO, INC. IN THE AMOUNT OF \$259.81 for aquatic center construction. Seconded by Shultz. Roll call vote: Stump – Aye, Shultz – Aye, Dewey – Aye, Wiese – Aye, Merrifield – Aye. Motion carried unanimously. Motion by Stump to APPROVE CHANGE ORDER NO. 1, TO MECHANICAL, INC. IN THE AMOUNT OF A \$2,534.60 INCREASE TO CHANGE FLOOR GEYSERS FROM HAYWARD TO WATER ODYSSEY for aquatic center construction. Seconded by Dewey. The City Administrator explained that the increase is due to the fact that Hayward is a generic fitting while Water Odyssey is a custom fixture. Roll call vote: Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye, Wiese – Aye. Motion carried unanimously. Motion by Stump to APPROVE PARTIAL PAY REQUEST NO. 2, TO MECHANICAL, INC. IN THE AMOUNT OF \$64,754.14 for aquatic center construction. Seconded by Dewey. Roll call vote: Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye, Wiese – Aye. Motion carried unanimously.

CITIZEN PARTICIPATION: None.

Jim Mitchell presented a DECEMBER 13, 2004 LETTER EXPRESSING CONCERN ABOUT THE POSSIBLE STORM DRAINAGE IMPACT OF PROPOSED IMPROVEMENTS AT WELCH PRODUCTS at 205 S. Garfield on his property at 300 S. Garfield. It was explained that the proposed development agreement between the City and Welch Products requires the developer to use low impact conservation design principles in the re-development of the property and to detain or infiltrate all storm water on the property. Motion by Merrifield to ENTER THE DECEMBER 13, 2004 LETTER FROM JIM MITCHELL INTO THE RECORD. Seconded by Dewey. Roll call vote: Merrifield – Aye, Dewey – Aye, Stump – Aye, Shultz – Aye, Wiese – Aye. Motion carried unanimously.

Motion by Merrifield to APPROVE THE REQUEST FROM THE HARTFORD MIDDLE SCHOOL STUDENT COUNCIL FOR PERMISSION TO HANG CHARACTER COUNTS! BANNERS in Carlisle at the beginning of the school year and during Character Counts! week in October provided the banners are only hung on the poles with existing brackets. Seconded by Stump. Roll call vote: Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Wiese – Aye. Motion carried unanimously.

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The APPLICATION FROM MARBLE WORKS, INC FOR APPROVAL OF A SITE PLAN FOR A 40' X 70' ADDITION TO AN EXISTING BUILDING IN THE M-2 GENERAL INDUSTRIAL ZONE AT 1 ½ SCHOOL ST. was considered. It was explained that in the interest of speeding up the decision-making process for the applicant, the item is being considered by the City Council before it is considered by the Planning and Zoning Commission due to the cancellation of the second December Council meeting. The property has access through a 20' ingress-egress easement from the south and has previously been granted a setback variance on the east. Sid Tyler explained that there will be a 24' paved area with a sidewalk in front of the structure and both the paving and the building slab will be 6" concrete. The siding will be 26 gauge tan steel, the roof will be either white or galvalium steel that looks white and the storm water drainage will be to the railroad ditch on the east. Motion by Merrifield to APPROVE THE APPLICATION FROM MARBLE WORKS, INC FOR APPROVAL OF A SITE PLAN FOR A 40' X 70' ADDITION TO AN EXISTING BUILDING IN THE M-2 GENERAL INDUSTRIAL ZONE AT 1 ½ SCHOOL ST., subject to approval by the Planning and Zoning Commission on December 20, 2004. Seconded by Wiese. Roll call vote: Merrifield – Aye, Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried unanimously.

The REQUEST FROM BILL SCHOOLER, JR. FOR APPROVAL OF A PLAT OF SURVEY TO ALLOW THE TRANSFER OF A PORTION OF LOT 58 OF NORTH RIVER TERRACE, PLAT II TO MICHAEL VAN HAMME was considered. It was explained that in the interest of speeding up the decision-making process for the applicant, the item is being considered by the City Council before it is considered by the Planning and Zoning Commission due to the cancellation of the second December Council meeting. The transaction can be considered as a plat of survey on the theory that it is the second split of lot 58 and the Subdivision Code allows up to 3 splits by plat of survey. Both parties to the transaction will stipulate that the parcel will not be developed and will execute easements for access to, and location of, the North 9<sup>th</sup> Street lift station which is on the line between lot 58 and outlot "B". Motion by Stump to APPROVE RESOLUTION NO. 2004121301 APPROVING A PLAT OF SURVEY TO ALLOW THE TRANSFER OF A PORTION OF LOT 58 OF NORTH RIVER TERRACE, PLAT II TO MICHAEL VAN HAMME, subject to prohibition of any future development, execution of access and location easements for the North 9<sup>th</sup> St. lift station and approval by the Planning and Zoning Commission on December 20, 2004. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried unanimously.

Bill Schooler, Jr. presented a progress report on the CARLISLE ENVIRONMENTAL EDUCATION CENTER project. He has met with a Polk County Conservation Board member who has indicated that they have money earmarked for an education center that can be used outside of Polk County and that they would like to be a part of the project. The Warren County Conservation Board, the USDA, the DNR and the ASCS will also be involved. The bike trail will need to be completed, including the portion through the new middle school area. A non-profit development corporation will be organized that will do private fund-raising and that will request transfer of the property from the City.

The COUNTY LINE ROAD AND HIGHWAY 5 DEVELOPMENT was considered, including a request from Peoples Savings Bank for reimbursement of \$8,911.53 for engineering expenses incurred in the development of the mitigation plan and a revised request for proposals for mitigation and development of the property at County Line Road and Highway 5. It was explained that neither the original December 5, 2003 memorandum of understanding between Peoples Bank and the City nor the September 2004 draft development agreement between Peoples Bank and the City provided for any reimbursement of engineering services and also that Peoples Bank backed out of the development agreement. THE CITY IS THEREFORE NOT OBLIGATED TO REIMBURSE PEOPLES BANK FOR ENGINEERING SERVICES. It was explained that the REVISED REQUEST FOR PROPOSALS contains a provision that would obligate a future developer to reimburse Peoples Bank for the engineering services incurred in the development of the mitigation plan. Motion by Stump to APPROVE THE REVISED REQUEST FOR PROPOSALS FOR MITIGATION AND DEVELOPMENT OF THE PROPERTY AT COUNTY LINE ROAD AND HIGHWAY 5. Motion died for lack of a second. No further actions were taken.

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The WELCH PRODUCTS EXPANSION was reviewed, including a revised development agreement between the City of Carlisle and Welch Products Corporation, a resolution approving the revised development agreement between the City of Carlisle and Welch Products Corporation, a response to the City's offer to buy property at 201 S. Garfield at fair market value and a resolution authorizing condemnation of certain real property. Motion by Merrifield to APPROVE RESOLUTION NO. 2004121302 APPROVING THE REVISED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CARLISLE AND WELCH PRODUCTS CORPORATION, including a minimum guarantee of 12 months rent to the City for the property at 201 S. Garfield. Seconded by Wiese. Roll call vote: Merrifield – Aye, Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried unanimously. It was reported that Kevin Smith, owner of the property at 201 S. Garfield has requested an extension until December 17, 2004 to respond to the City's offer. Motion by Wiese to EXTEND THE DEADLINE TO RESPOND TO THE CITY'S OFFER UNTIL DECEMBER 17, 2004 and to reconsider the item at a special meeting on December 20, 2004. Seconded by Merrifield. Roll call vote: Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried unanimously.

Motion by Wiese to ENDORSE THE NOMINATION OF THE NORTH FIRST STREET BRIDGE over the North River for the 2005 Iowa DOT Quality Initiative Structures Award Program. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried unanimously.

Motion by Stump to APPROVE RESOLUTION NO. 2004121303 APPOINTING A STEVE O'BRAZA AS REPRESENTATIVE AND BLAIR DEWEY AS ALTERNATE TO THE CENTRAL IOWA COMMITTEE. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried unanimously.

Motion by Stump to APPROVE THE RE-APPOINTMENT OF RUTH RANDLEMAN TO THE WARREN COUNTY ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried unanimously.

Motion by Stump to APPOINT NEIL RUDDY AS PRIMARY AND FRANK SHULTZ AS ALTERNATE REPRESENTATIVE TO THE DES MOINES AREA METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE AND MARK CRAWFORD OF MCCLURE ENGINEERING AS PRIMARY AND STEVE O'BRAZA AS ALTERNATE REPRESENTATIVES TO THE DES MOINES AREA MPO TRANSPORTATION TECHNICAL COMMITTEE. It was explained that McClure will not charge for one TTC meeting per month. Seconded by Dewey. Roll call vote: Stump – Aye, Dewey – Aye, Shultz – Aye, Wiese – Aye, Merrifield – Aye. Motion carried unanimously.

The request from Fire Chief Burger for APPROVAL OF AMENDMENTS TO THE FIRE DEPARTMENT BY-LAWS was considered. It was explained that the changes will make the minimum requirement of attendance at 10% of all meetings apply to all classes of members, including administration, rescue driver and fire driver. Motion by Stump to approve amendments to the Fire Department by-laws. Seconded by Merrifield. Changes to the language describing the member classes were discussed. Motion and second were withdrawn. Motion by Stump to APPROVE AMENDMENTS TO THE FIRE DEPARTMENT BY-LAWS, including the language changes. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Abstain, Dewey – Aye, Shultz – Aye. Motion carried on a 4-0-1 vote.

The request for ADJUSTMENT OF THE POLICE CHIEF'S COMPENSATION TO alleviate wage compression in the Police Department was considered. It was explained that wage compression occurs when there is not enough separation between the wages of supervisors and the wages of rank and file employees who are subordinate to them. In 2003, the total compensation received by the Police Chief was approximately 1% less than the total compensation received by the next highest paid employee in the department. It was

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recommended that the Police Chief's base rate be increased by \$1.65 per hour which would match the increase that was received by the police officers during the first year of the current labor contract. Councilmember Merrifield stated that wage compression is common for managers in the private sector, especially if employees receive a lot of overtime. It was explained that there is a cap on police overtime. Motion by Wiese to APPROVE AN INCREASE IN THE POLICE CHIEF'S COMPENSATION BY THE AMOUNT OF \$1.65 PER HOUR which will be the equivalent of \$3,432.00 per year when fully implemented, with the first half consisting of an increase of \$.83 per hour effective January 1, 2005 and the second half consisting of an increase of \$.82 per hour effective July 1, 2005. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried unanimously.

The APPLICATION FROM JAMES OIL FOR APPROVAL OF A SITE PLAN FOR IMPROVEMENTS TO AN EXISTING BULK OIL FACILITY IN THE M-1 LIGHT INDUSTRIAL ZONE AT 15 SCHOOL ST. was considered. It was explained that in the interest of speeding up the decision-making process for the applicant, the item is being considered by the City Council before it is considered by the Planning and Zoning Commission due to the cancellation of the second December Council meeting. Scott James explained that the improvements will consist of new concrete foundations under the tanks, a 67' x 24' x 3' concrete containment with a 36,000 gallon capacity around the tanks and a 68' x 16' x 6" concrete containment with a 4,000 gallon capacity for truck loading and unloading. There will be a fence around the top of the new bulk tank confinement. In order to qualify for state funding, construction must begin by February 15, 2005 and be completed by August 2006. Motion by Merrifield to APPROVE THE APPLICATION FROM JAMES OIL FOR APPROVAL OF A SITE PLAN FOR IMPROVEMENTS TO AN EXISTING BULK OIL FACILITY IN THE M-1 LIGHT INDUSTRIAL ZONE AT 15 SCHOOL ST., subject to approval by the Planning and Zoning Commission on December 20, 2004. Seconded by Wiese. Roll call vote: Merrifield – Aye, Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried unanimously.

The request for PAYMENTS TO CERTAIN EMPLOYEES TO REDUCE ACCUMULATED COMPENSATORY TIME to comply with Fair Labor Standards Act requirements was considered. It was explained that the FLSA requires that essential employees cannot accumulate more than 480 hours and that non-essential employees cannot accumulate more than 240 hours of overtime compensation in the form of compensatory time off. In 2000-2001 and in 2001-2002, the City made payments to employees whose compensatory time exceeded the FLSA maximums and reduced the accumulated compensatory time hours of each employee to 200 hours. There are currently four employees whose compensatory time exceeds the FLSA maximums: Ron Fox at 913.5 hours, Chris Moehring at 330.91 hours, Steve O'Braza at 432 hours and Pat Brehse at 946.5 hours. It was recommended that the accumulated compensatory time of each employee be reduced to 200 hours. Motion by Merrifield to APPROVE PAYMENT OF ACCUMULATED COMPENSATORY TIME FOR EMPLOYEES FOX, MOEHRING, O'BRAZA AND BREHSE DOWN TO 200 HOURS with the first payment of half the amount on the December 17, 2004 payday out of the 2004-2005 budget and the second payment of half the amount either on the last payday in June out of the 2004-005 budget year if unexpended funds are available to cover the payment or on the first payday in July out of the 2005-06 budget year. Seconded by Stump. Roll call vote: Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Wiese – Aye. Motion carried unanimously. A policy covering the accumulation and use of compensatory time will be drafted for future consideration.

Motion by Dewey to AUTHORIZE PUBLICATION OF NOTICE FOR A JANUARY 10, 2005 AT 7:00 P.M. PUBLIC MEETING TO DISCUSS THE PROPOSED AVON LAKE SANITARY SEWER EXTENSION PROJECT. Seconded by Stump. Roll call vote: Dewey – Aye, Stump – Aye, Shultz – Aye, Wiese – Aye, Merrifield – Aye. Motion carried unanimously.

Motion by Merrifield to CHANGE THE TIME OF THE JANUARY 3, 2004 ORGANIZATIONAL MEETING to 7:00 P.M. and to schedule a work session with McClure Engineering on the transportation master plan. Seconded by Stump. Roll call vote: Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Wiese – Aye. Motion carried unanimously.

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The 2005-06 CITY BUDGET and recommended budget work sessions were considered. A major change will be in the tax rate for debt service which is expected to increase approximately \$1.20 per \$1,000 due to the aquatic center bonds. Motion by Wiese to SCHEDULE 2005-06 BUDGET WORK SESSIONS for Saturday January 22, 2005 at 8:00 A.M. and Saturday January 29, 2005 at 8:00 A.M., if necessary. Seconded by Merrifield. Roll call vote: Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried unanimously.

The request from Warren County Economic Development Corporation for a contribution of \$1,000 toward a Highway 65/69 corridor study was considered. Motion by Dewey to DENY THE REQUEST FROM WARREN COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR A CONTRIBUTION OF \$1,000 toward a Highway 65/69 corridor study. It was stated that study would provide no direct benefit to Carlisle. Seconded by Stump. Roll call vote: Dewey – Aye, Stump – Aye, Shultz – Aye, Wiese – Aye, Merrifield – Aye. Motion carried unanimously.

The RESPONSES TO COUNCILMEMBER SHULTZ' 11-14 questions concerning city contracts and to Councilmember Shultz' 12-9 items concerning the railroad grade crossing study and review of city ordinances were received and filed. A review of the grade crossing study will be scheduled for the last meeting in March. A review of Chapters 15, 17, 20, 22 and 23 of the City Ordinances will be scheduled for the first meeting in April.

Notes on the Well No. 6 progress meeting and the street closure map for Light Up Carlisle were received and filed. The fixed wireless internet system, the National Incident Management System, the Growing Green Communities initiative, Opportunity Iowa, the need for a recreation master plan and the Drake University School of Business and Public Administration Economic and Community Development class presentation on Carlisle were discussed.

Motion by Shultz to ADJOURN AT 10:22 P.M. Seconded by Dewey. Roll call vote: Shultz – Aye, Dewey – Aye, Stump – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

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Ruth Randleman, Mayor

Attest:

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Neil Ruddy, Administrator/Clerk